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September 22, 2021

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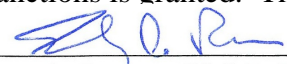
MEMO ENDORSED

VIA ECF

Honorable Edgardo Ramos
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

Defendant Amtrak's request for an extension of time to October 25, 2021 to complete discovery with respect to the electronics vendor and to advise the Court whether it intends to move for sanctions is granted. The stay of expert discovery remains in place.

It is SO ORDERED.


Edgardo Ramos, U.S.D.J.
Dated: 09/23/2021
New York, New York

Re: *Marjay Vanceah v. National Railroad Passenger Corporation d/b/a Amtrak, et al.*
Civil Action No. 18-cv-09418 (ER)

Dear Judge Ramos:

This firm represents Defendant National Railroad Passenger Corporation ("Amtrak") with respect to the above-referenced employment discrimination matter. On September 9, 2021, the parties appeared before Your Honor for a pre-motion conference concerning Amtrak's application to move for sanctions against Plaintiff and her counsel for discovery misconduct culminating in what is believed to be Plaintiff's submission of false photographic evidence in support of her case.

At the pre-motion conference, the Court ordered Plaintiff to produce, on or before September 16, 2021, information concerning the electronics vendor Plaintiff utilized to locate and retrieve the purported photograph of co-Defendant Timothy Dendy from her cell phone. Your Honor also ordered Amtrak to update the Court, on or before September 23, 2021, as to whether it intends to proceed with its requested motion after receiving Plaintiff's additional information.

On September 16, 2021, Plaintiff's counsel filed a letter with the Court explaining her purported efforts to identify Plaintiff's electronics vendor, "Josh", including her discussion with someone claiming to be the new business owner at the location where Plaintiff engaged Josh for services relating to her cell phone. (Dkt. No. 53). On September 20, 2021, Plaintiff's counsel also wrote to counsel for Defendants to provide the cell phone numbers for Josh and his purported former employer. We have tried to call Josh but have not received a return phone call. In light of the new information provided by opposing counsel this week, we believe further discovery is required with respect to Josh and the services he allegedly provided to Plaintiff, including his potential deposition, and that this may impact Amtrak's requested motion.

Accordingly, on the consent of counsel for Plaintiff and co-Defendant, we respectfully request a 30-day extension, until October 25, 2021, to complete discovery with respect to Plaintiff's electronics vendor and advise the Court whether Amtrak intends to proceed with its motion for discovery sanctions, and that the stay of expert discovery granted during the pre-

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motion conference with respect to Plaintiff's emotional distress claims remain in place until a resolution on the sanctions motion.

Thank you for your consideration of this request.

Respectfully submitted,

Kelly C. Spina

cc: all counsel of record (via ECF)